

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003EP10979WO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/051477	International filing date (day/month/year) 13.07.2004	Priority date (day/month/year) 24.07.2003	
International Patent Classification (IPC) or national classification and IPC H04J14/02, H04Q11/00			
Applicant SIEMENS AKTIENGESELLSCHAFT			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>1</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/051477

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

international search (Rule 12.3 and 23.1(b))
 publication of the international application (Rule 12.4)
 international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:

pages 1-20 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the claims:

nos. 2-11 as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1 received by this Authority on 23.05.2005 with letter of 23.05.2005

nos.* _____ received by this Authority on _____

the drawings:

sheets 1/4-4/4 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/EP2004/051477
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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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1. Statement

Novelty (N)	Claims 5, 7-10	YES
	Claims 1-4, 6, 11	NO
Inventive step (IS)	Claims 5, 7, 9, 10	YES
	Claims 1-4, 6, 8, 11	NO
Industrial applicability (IA)	Claims 1-11	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

This report makes reference to the following documents:

D1: WO 03/047144 A (MAIER GUIDO ALBERTO; PATTAVINA ACHILLE (IT); PIRELLI (IT); DE PATRE S), 5 June 2003 (2003-06-05)

D2: US 2002/159114 A1 (MUKHERJEE BISWANATH ET AL), 31 October 2002 (2002-10-31)

1. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1-4, 6 and 11 is not novel (PCT Article 33(2)).

1.1 Document D1 discloses (the references in parentheses are to that document) a process for determining a link path and a free wavelength channel in the optical transmission links of the link path for establishing a connection over at least one first and one second network nodes within a transparent optical transmission system comprising a plurality of further network nodes interconnected by optical transmission links (page 1, lines 3-5; page 2, lines 18-24),

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- in which process a connection cost value is formed for each link path and associated wavelength channel available for establishing the connection (page 5, lines 27-29),
- and the link path with associated wavelength channel having the minimum connection cost value is selected for establishing the connection (page 14, lines 16-19),

and

- a link weight which depends on the properties of the optical transmission link and the wavelength channel in question is determined for each wavelength channel of an optical transmission link (page 17, lines 11-14), and
- the connection cost value is formed by evaluation of the at least one link weight (page 5, lines 27-29).

1.2 Dependent claim 2 does not contain any features which, in combination with the features of claim 1, meet the PCT novelty requirements (see D1, page 17, lines 11-16).

1.3 Dependent claim 3 does not contain any features which, in combination with the features of claim 2, meet the PCT novelty requirements (see D1, page 17, lines 11-21).

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>1.4 Dependent claim 4 does not contain any features which, in combination with the features of claim 1, meet the PCT novelty requirements (see D1, page 16, line 22 - page 17, line 2).</p> <p>1.5 Dependent claim 6 does not contain any features which, in combination with the features of claim 3, meet the PCT novelty requirements (see D1, page 17, lines 11-21).</p> <p>1.6 Dependent claim 11 does not contain any features which, in combination with the features of claim 1, meet the PCT novelty requirements (see D1, page 16, line 22 - page 21, line 5).</p> <p>2. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 8 does not involve an inventive step (PCT Article 33(3)).</p> <p>2.1 Dependent claim 8 does not contain any features which, in combination with the features of claim 3, meet the PCT inventive step requirements; see document D1 in connection with document D2, paragraphs 59-60.</p> <p>3. The combination of features contained in dependent claims 5, 7, 9 and 10 is neither known from nor suggested by the available prior art.</p>